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Chair: Mr. Eriza (Vice-Chair) ..... (Indonesia)
later: Ms. Mejía Vélez ..... (Colombia)

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In the absence of Ms. Mejía Vélez (Colombia), Mr. Eriza (Indonesia), Vice-Chair, took the Chair.

The meeting was called to order at 3.10 p.m.

Agenda item 27: Advancement of women (*continued*)

Draft resolution A/C.3/71/L.21/Rev.1: Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence

1. **The Chair** said that the draft resolution had no programme budget implications.

2. **Mr. Delattre** (France) said that the tenth preambular paragraph should be amended to read: "recognizing also that domestic violence can encompass but is not limited to the following elements, which can be understood differently in different contexts: battering, sexual abuse of women and girls in the household, incest, dowry-related violence, marital rape, intimate partner violence, femicide, female infanticide, crimes committed against women and girls in the name of so-called "honour", crimes committed in the name of passion, forced sterilization, forced abortion, coercive/forced use of contraception, forced pregnancy, sexual slavery and practices harmful to women and girls such as child, early and forced marriage and female genital mutilation".

3. Violence against women was a universal problem, with one in five women globally having been a victim of sexual abuse in her childhood, and one in three having been a victim of physical violence or sexual abuse in her lifetime. Domestic violence was the most widespread and least visible form of violence against women as almost half the women killed every year worldwide were killed by a member of their family, and over 60 per cent of women who had been victims of sexual or physical violence had been attacked by their partners.

4. The facilitators had therefore decided that the draft resolution should focus on domestic violence. The balanced text was the product of negotiations that had recognized the universal nature of the problem. Adoption of the draft resolution was vital to mobilizing all Member States to eliminate violence against women, including countries that had already undertaken measures in that regard.

5. During the negotiation process, a number of delegations had expressed their desire to decide collectively on the topic of the draft resolution to be presented in 2018. An informal consultation on the next draft resolution on the elimination of violence against women would therefore be held at the beginning of 2018 in recognition of the increased engagement of Member States.

6. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Argentina, Austria, Bahamas, Barbados, Belarus, Belize, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cabo Verde, Chad, Chile, Colombia, Costa Rica, Czechia, Denmark, Dominican Republic, Estonia, Guinea, Finland, Gambia, Ghana, Honduras, Hungary, Ireland, Italy, Japan, Kazakhstan, Latvia, Lesotho, Liechtenstein, Lithuania, Madagascar, Maldives, Malta, Mexico, Monaco, Montenegro, Morocco, Namibia, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of) had joined the sponsors.

7. *Draft resolution A/C.3/71/L.21/Rev.1, as orally amended, was adopted.*

8. **Ms. Non** (Saint Lucia), speaking on behalf of the member States of the Caribbean Community (CARICOM), said that CARICOM countries prioritized the health, wellbeing and human rights of women and girls, who were integral to the sustainable development of the Caribbean region. However, the interpretation and use of the term "early marriage", in the context of the resolution, would be subject to the national laws of CARICOM member States.

9. **Ms. Abdelkawy** (Egypt), speaking on behalf of Algeria, Cameroon, Libya, Oman, Malaysia, Pakistan, Saudi Arabia, Sudan, Syrian Arab Republic and Yemen, said that it was disappointing that the term "intimate partner violence" had been used in the tenth and nineteenth preambular paragraphs as the term was vague, did not have an internationally agreed definition, and contradicted their national cultural and legal contexts. Although concerns about that term had continually been raised during the negotiation process, the facilitators had insisted on including it in the text. Consequently, the delegations wished to disassociate themselves from the term.

10. **Mr. Al-Kumaim** (Yemen) said that the eradication of violence against women and girls was of the utmost importance to his country, which was committed to achieving gender equality and the empowerment of women and girls. Women from all social strata were subjected to domestic violence, which remained the most prevalent and least visible form of violence against women worldwide. It was

regrettable, however that the tenth preambular paragraph of what his delegation believed was an extremely important resolution contained the term "marital rape", and that the tenth and nineteenth preambular paragraphs used the term "intimate partner violence". No international consensus had been reached on the definition of those two terms, which ran counter to Yemen's cultural and legislative norms, while the lack of a clear legal basis for those terms meant that they remained highly ambiguous and could be interpreted in numerous ways. The Yemeni delegation had voiced its concerns about those terms during the negotiations on the draft resolution, but the facilitators had insisted on retaining them in the text. The Yemeni delegation therefore wished to disassociate itself from the terms "marital rape" and "intimate partner violence" in the tenth and nineteenth preambular paragraphs.

11. **Mr. Youssouf Aden Moussa** (Djibouti) said that his delegation had always sponsored the resolution on eliminating violence against women when it was tabled in Geneva. However, it was uncomfortable with the references to "intimate partner violence" in the tenth and nineteenth preambular paragraphs, as that term did not have an internationally agreed definition and was alien to the culture and legal context of Djibouti. It therefore should not have been included in the text. Although his and other delegations had continually expressed their worries, the main sponsors of the text had not incorporated any of the amendments that had been suggested during negotiations. His delegation therefore disassociated itself from the consensus on the draft resolution and from the use of "intimate partner violence" in particular.

12. **Mr. Ríos Sánchez** (Mexico) said that the references in the draft resolution to sexual and reproductive health were particularly important, and was proud to have sponsored the draft resolution. Nevertheless, the confrontational atmosphere during negotiations to include certain concepts in the resolution had been worrying. Attempts to reach a consensus had weakened the language used, in particular with regard to domestic violence and the vital role that the family could play in combating it. References to femicide, which was of great concern to Latin America, had also been diminished. In 2014, over 1,900 women in 17 Latin American countries had been victims of femicide, with 12 women killed every day. While legal instruments had been implemented at the national and regional levels to combat femicide, it was critical that the issue received greater visibility, and Member States must collaborate in order to eliminate it.

13. **Ms. Al-Temimi** (Qatar), speaking on behalf of the Gulf Cooperation Council, said that the member States of the Council had joined the consensus on the draft resolution because they were firmly convinced of the importance of eliminating all forms of violence against women and girls. Indeed, all Gulf Cooperation Council member States remained fully committed to achieving that noble objective and had adopted numerous measures to that end. The member States of the Council wished, however, to underscore their reservations regarding certain concepts in the text of the resolution, the provisions of which they would need to review within the context of their domestic laws and the cultural and religious values of their societies.

14. **Ms. Morton** (Australia), speaking on behalf of Iceland, Liechtenstein and New Zealand, said that on average, at least one woman a week was killed by a partner or former partner in Australia, and women were five times more likely than men to require medical treatment as a result of intimate partner violence. It was therefore pleasing that the draft resolution acknowledged that domestic violence was preventable, and called upon States to address the issue in all domestic situations in which women faced violence.

15. **Mr. Al-Hussaini** (Iraq) regretted the fact that, although his delegation had taken part in the informal negotiations on the draft resolution with a view to formulating language that was appropriate for all societies, it had not been possible to reach consensus on the text. His delegation was therefore compelled to disassociate itself from the tenth and nineteenth preambular paragraphs of the draft resolution, which included language that was not compatible with Iraq's domestic legislation.

16. **Mr. Ajayi** (Nigeria) said that it was sad that a draft resolution designed to address a fundamental societal issue had been tainted with the alien term "intimate partner violence". Such language lacked a meaningful basis in the Nigerian cultural and legislative context, and the serious concerns raised during the negotiation process had been ignored by the facilitators. His delegation therefore disassociated itself from the term "intimate partner violence" in the tenth and nineteenth preambular paragraphs.

17. **Mr. Dehghani** (Islamic Republic of Iran) said that, although his country had joined the consensus on the draft resolution, it was disappointing to note that it contained concepts that were either irrelevant to the subject or sought to promote a specific lifestyle or mindset. The inclusion of terms such as "intimate partner violence" reflected that approach, and his delegation disassociated itself from all such terms in

the text. It was also disappointing that the text failed to include sanctions as an important cause of the aggravation of violence against women and girls. It had been proved that sanctions negatively impacted national efforts to end such violence, making countries that imposed sanctions complicit in such violence.

18. **Mr. Herrmann** (Observer for the Holy See) said that the undue emphasis given to individual autonomy in the resolution was of concern, as a human rights-based approach affirming individual autonomy could not provide complete protection for the rights of an individual. Guaranteeing respect for those rights required time, education and the widespread recognition that interdependence and shared responsibility were the most effective measures in preventing violence. Such an approach was the only way to adequately address harmful cultural practices and norms at their root.

19. The terms "sexual and reproductive health", "sexual and reproductive healthcare services" and "reproductive rights" were considered to apply to a holistic concept of health, and did not include abortion, or access to either abortion or abortifacients. All terms relating to family-planning and contraception would be considered with respect to the family-planning methods that were morally acceptable to the Catholic Church, and to the family-planning services that respected the freedom of spouses, human dignity and the human rights of the persons concerned. The term "gender", as well as its "norms" and "stereotypes", was understood as grounded in biological sexual identity, and the idea that gender was socially constructed was not recognized. With regard to the terms "comprehensive education" and "information" on "sexuality", the primary responsibility and prior rights of parents, including the right to religious freedom, in the education and upbringing of their children should be borne in mind.

20. **Mr. El Hacen** (Mauritania) said that his country had been one of the main sponsors of the draft resolution and was committed to upholding all human rights, including, in particular, the rights of women and girls. His delegation wished, however, to underscore its reservations regarding the controversial concepts contained in the text of the draft resolution, which ran counter to Mauritania's legislation and cultural norms.

21. **Ms. Phipps** (United States of America) said that her delegation rejected any attempt to diminish the severity of gender-based violence, violence against women, domestic violence or intimate partner violence. In the United States and many other countries, the overwhelming majority of domestic violence was perpetrated against women by their intimate partners; in general, husbands, ex-husbands, boyfriends or ex-boyfriends. Any attempt by negotiating partners to delete the term "intimate partner violence" was therefore an attempt to deny the reality of millions of women worldwide. Furthermore, the term encompassed much of the abuse that would not be included if the term "domestic abuse" was used, as it was commonly understood as abuse between persons who were married. The abuse in other forms of intimate relationship was equally important and must be recognized and addressed.

22. Every woman and girl had the right to have control over and decide freely and responsibly on matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Furthermore, adolescents should have access to comprehensive sexuality education to provide them with the necessary information and skills to make informed and healthy decisions, as well as to negotiate healthy relationships based on gender equality and respect for human rights. It was hoped that such a belief would become a universally-accepted concept in the near future.

Agenda item 67: Rights of peoples to self-determination (*continued*)

Draft resolution A/C.3/71/L.50: The right of the Palestinian people to self-determination

23. **The Chair** said that the draft resolution had no programme budget implications.

24. **Mr. Khane** (Secretary) said that Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Central African Republic, Chad, Chile, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Denmark, Djibouti, Ecuador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Guinea Bissau, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Monaco, Montenegro, Myanmar, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Qatar, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Suriname, Sweden, Switzerland, Tajikistan, the former Yugoslav

Republic of Macedonia, Timor-Leste, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of) and Zimbabwe had joined the sponsors.

25. **Ms. Shilo** (Israel), speaking in explanation of vote before the voting, said that the Palestinian leadership continued to undermine peace efforts by taking damaging unilateral steps, and instead of negotiating with her country, it had reached out to Hamas. The language of the draft resolution targeted Israel and did not provide an opportunity for real discussion on a solution, but rather encouraged Palestinians to take further unilateral steps. It was much easier to take unilateral steps than to engage in bilateral negotiations, but such actions would not benefit the Palestinian people. Egypt and other moderate and pragmatic Arab countries could play a positive role in direct negotiations between Israel and Palestine. Such negotiations were the only way in which a solution to the conflict could be reached as history had shown that peace could not be externally imposed on countries. Israel was therefore calling for a recorded vote and would vote against the draft resolution.

26. *At the request of the representative of Israel, a recorded vote was taken on draft resolution A/C.3/71/L.50.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), Nauru, Palau, United States of America.

Abstaining:

Cameroon, Côte d'Ivoire, Honduras, Tonga, Vanuatu.

27. *Draft resolution A/C.3/71/L.50 was adopted by 170 votes to 7, with 5 abstentions.*

28. **Mr. Mazzeo** (Argentina) said that his delegation recognized the inalienable right of the Palestinian people to self-determination and to build an independent and viable state. It had therefore voted in favour of the draft resolution, which reflected its official recognition of the State of Palestine within the 1967 borders and in accordance with the outcome of the negotiation process. In order to have self-determination there must be a subject of law or rights, as stipulated in General Assembly resolution 15/14 (XV).

29. **Ms. Rasheed** (Observer for the State of Palestine) said that the overwhelming support of the resolution and the large number of sponsors showed the commitment of the international community to the full realization of the Palestinian people's right to self-determination. The position taken by Member States also sent a clear message to Israel, the occupying Power, that its false narrative, violations and contempt for international law would not be tolerated and must cease. The draft resolution did not obstruct the path to

a just and peaceful solution and was in no way unilateral. While the right of the Palestinian people to self-determination remained the central issue in the Palestinian-Israeli conflict, it was a matter for the Palestinian people alone.

30. The negative vote cast on the draft resolution by Israel year after year could only entrench the belief among the Palestinian people that Israel rejected a real peace settlement based on the existence of two States. In order for a just peace to be achieved, the right to self-determination must be recognized by both parties. Furthermore, Israel continued to distort the truth and repeat its false claim that Palestine had yet to recognize Israel. Palestine had recognized Israel in 1993, even though Israel had not reciprocated that recognition.

31. It was completely disingenuous to claim that the Palestinian people and leadership were not committed to achieving peace. It was not the draft resolution but the unilateral actions of Israel that threatened any real prospect of a two-State solution, as Israel continued its illegal practices and policies, including the building of settlements throughout the occupied Palestinian territory, in spite of the condemnation of the international community. The continued propagation of false claims by Israel showed its unwillingness to achieve peace based on rights and justice in accordance with international law.

32. Rather than denying the inalienable rights of the Palestinian people and the rightful place of the State of Palestine in the community of nations, and instead of rejecting the peaceful legal and diplomatic efforts of Palestine to realize a two-State solution, Israel must be held accountable to the international law it had abused as a Member State of the United Nations. Those who supported the cause of peace must stand firm in order to change the reality on the ground, as they were essential to achieving a just and lasting solution to the Palestinian question. Only through such a solution, centred on the realization by the Palestinian people of their inalienable rights, including to self-determination and freedom in their independent State of Palestine, with East Jerusalem as its capital, that peace, security and coexistence could ever become a reality for the Palestinian and Israeli peoples.

Agenda item 68: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution A/C.3/71/L.22/Rev.1: Human rights and extreme poverty

33. **Mr. Meza-Cuadra** (Peru) said that urgent national and international measures were needed to eliminate extreme poverty and social exclusion, which threatened human dignity. Widespread extreme poverty restricted enjoyment of human rights and weakened democracy. In the 2030 Agenda for Sustainable Development, governments recognized that poverty in all its forms was the biggest challenge that the world faced, and that eradicating it was indispensable for sustainable development.

34. **Mr. Khane** (Secretary of the Committee) said that Albania, Algeria, Andorra, Armenia, Australia, Austria, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Cabo Verde, Cameroon, Canada, Chad, Colombia, Croatia, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Guinea Bissau, Hungary, Iceland, India, Ireland, Italy, Jamaica, Japan, Kenya, Latvia, Lebanon, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mexico, Monaco, Montenegro, Namibia, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, the Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay and Venezuela (Bolivarian Republic of) had joined the sponsors.

35. *Ms. Mejía Vélez (Colombia) took the Chair.*

36. *Draft resolution A/C.3/71/L.22/Rev.1 was adopted.*

37. **Ms. Brooke** (United States of America) said that the United States of America had a long-standing commitment to international development, and had invested substantial resources in that area. Although the guiding principles on extreme poverty and human rights referenced in the draft resolution gave States useful guidelines to formulate and implement poverty reduction and eradication programmes, not all of its aspects were appropriate in all circumstances, and her

delegation disagreed with some of its interpretations of human rights law.

38. Her delegation had joined the consensus on the draft resolution on the understanding that States were not obligated to become a party to instruments to which they had not acceded; nor were they obligated to implement commitments under human rights instruments to which they were not a party. Her Government did not recognize any change in the current state of treaty or customary international law. Furthermore, the reaffirmation of prior documents contained in the resolution was understood to apply to those who had affirmed them initially. The United States of America anticipated continued collaboration with fellow Member States in efforts to eliminate poverty.

Draft resolution A/C.3/71/L.30/Rev.1: Promotion of a democratic and equitable international order

39. **The Chair** said that the draft resolution had no programme budget implications.

40. **Mr. Amorós Núñez** (Cuba) reaffirmed the need to promote a democratic and equitable international order that would support everyone's full realization of all human rights, and that would, in particular, mitigate the effects of the international economic and financial crisis. Such an order should be based on equity, sovereign equality, interdependence, common interest and international cooperation between States, regardless of their economic and social systems.

41. **Mr. Khane** (Secretary of the Committee) said that Belize, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Dominican Republic, Gambia, Ghana, Guinea Bissau, Malaysia, Saint Lucia and United Republic of Tanzania had joined the sponsors.

42. **The Chair** said that a recorded vote on A/C.3/71/L.30/Rev.1 had been requested.

Statements made in explanation of vote before the voting

43. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, said that the issues raised in the draft resolution were important and required the careful analysis and action of all nations. The desire to promote peace and stability and build a world based on respect for human rights, human dignity, freedom, democracy, equality and the rule of law underpinned the European Union. However, having considered the report of the Independent Expert of the Human Rights Council on the promotion of a democratic and equitable international order, his delegation remained of the view that a significant number of defining elements of the draft resolution extended far beyond the scope of the human rights agenda of the United Nations. The member States of the European Union therefore could not support the draft resolution.

44. **Ms. Brooke** (United States of America) said that international development was a critical element of the foreign policy of her Government, which had devoted substantial resources to global development efforts. However, her Government continued to have reservations about the way development-related issues were treated in the draft resolution, and would therefore vote against it. For instance, the text inappropriately challenged the sovereign right of all States to freely manage their economic relations and protect their legitimate national interests. Markets should be allowed to operate, rather than Governments and international institutions being relied on to direct private capital. Development assistance was best used not to redistribute wealth, but to assist countries to attract private capital flows and participate in global trade. All governments should invest in a better future for their citizens by adopting an approach to development that was respectful of human rights, involved local stakeholders, promoted transparency and accountability, and built the institutions that underpinned sustainable democracy.

45. *A recorded vote was taken on draft resolution A/C.3/70/L.30/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua

New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Chile, Costa Rica, Greece, Mexico, Peru.

46. Draft resolution A/C.3/70/L.30/Rev.1 was adopted by 123 votes to 53, with 6 abstentions.

Draft resolution A/C.3/71/L.31/Rev.1: The right to food

47. **The Chair** said that the draft resolution had no programme budget implications.

48. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that his delegation would like to orally amend the footnote corresponding to paragraph 12 to include a reference to Human Rights Council resolution 33/11, so that it would read "A/HRC/27/31 and A/HRC/RES/33/11".

49. Around the world, an alarming 795 million people, the vast majority of whom lived in developing countries, were suffering from hunger. Enabling economic environments at both the national and international levels were needed to end hunger. All delegations were urged to support the draft resolution to send an unequivocal message regarding the importance of the right to food.

50. **Mr. Khane** (Secretary of the Committee) said that Albania, Andorra, Austria, the Bahamas, Barbados, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Chad, Costa Rica, Croatia, Cyprus, Democratic Republic of the Congo, Denmark, Dominican Republic, Egypt, France, Greece, Guinea, Guinea Bissau, Haiti, Hungary, Ireland, Italy, Jamaica, Latvia, Lebanon, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mexico, Monaco, Montenegro, Nigeria, the Philippines, Poland, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, San Marino, Saudi Arabia, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Republic of Tanzania, Vanuatu and Yemen had joined the sponsors.

51. *Draft resolution A/C.3/71/L.31/Rev.1, as orally revised, was adopted.*

52. **Ms. Phipps** (United States of America) said that maintaining a focus on global food security was critical to achieve the vision of a world free from hunger and that the United States had been the world's largest food aid donor for more than a decade. In joining the consensus on the draft resolution, her country had reiterated its commitment to reducing hunger and addressing poverty sustainably through a variety of approaches. Welcoming the link between the empowerment of women and the progressive realization of the right to adequate food in the context of national food security, she said that the United States had implemented a variety of initiatives that demonstrated its commitment to incorporating a gender equality perspective in efforts to address hunger and poverty.

53. Nevertheless, the draft resolution contained problematic language that did not belong in a resolution on human rights. Her delegation dissociated itself from paragraphs 10 and 27 in particular. The Doha round of trade negotiations of the World Trade Organization (WTO), referred to in paragraph 27, in no way superseded the Nairobi Ministerial Declaration, which accurately reflected the current status of the issues discussed in those negotiations. Any effort in non-WTO forums to undermine decisions reached by consensus at the WTO had no standing. With respect to paragraph 10, her delegation did not support the reference to technology transfer, which must take place on a voluntary basis and under mutually agreed terms. From the perspective of the United States, paragraph 10 did not serve as a precedent for future negotiated documents. That position applied to any comparable

language in resolutions the Committee would adopt during the current session.

54. Further, the draft resolution continued to use outdated, inapplicable or otherwise inappropriate language. In particular, trade and trade negotiations, which were the purview of the WTO and its membership, should not have been included. Her delegation would not accept any reading of the draft resolution suggesting that the protection of intellectual property rights had a negative impact on food security. In addition, the language on donor nations and investors was imbalanced: the text should reflect a need for transparency, accountability, good governance and other elements critical to providing an environment conducive to investment in agriculture.

55. The reference in the text to a global food crisis was inaccurate as one currently did not exist. Using that term detracted attention from important challenges that contributed significantly to recurring regional food insecurity, including a lack of strong governing institutions and systems that deterred investment, none of which were mentioned in the draft resolution. Another concern was the inclusion of unattributed statements of a technical or scientific nature, with which her delegation did not necessarily agree. Similarly, the United States had taken ambitious international and domestic steps to address climate change and was fully committed to implementing the Paris Agreement; however, her delegation disagreed with some of the links drawn between climate change and food-related human rights.

56. In joining consensus on the draft resolution, her delegation did not recognize any change in the current state of conventional or customary international law regarding rights related to food. The United States was not a party to the International Covenant on Economic, Social and Cultural Rights. Accordingly, the references in the draft resolution to the right to food were interpreted in the light of article 2, paragraph 1, of the Covenant, and references to the obligations of Member States regarding the right to food were applicable to the extent that they had already assumed such obligations. The right to food should not be treated as an enforceable obligation and the United States did not concur with any reading of the draft resolution suggesting that States had particular extraterritorial obligations arising from the right to food. Lastly, the United States interpreted the reaffirmation of prior documents, resolutions and related human rights mechanisms as applicable to the extent that countries had initially affirmed them.

57. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, reiterated the strong commitment of the European Union to realizing the right to food. However, the position of the European Union on the issues addressed in paragraph 27 was without prejudice to the Nairobi Ministerial Declaration. It remained ready to work both on outstanding issues from the Doha round of trade negotiations and other issues, and would try to find innovative ways to advance negotiations.

58. **Ms. Kwan** (Canada) said that there was no established link between the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) and the concepts of food security and the right to food. Those issues did not appear in the TRIPS Agreement. Her delegation therefore interpreted paragraph 34 of the draft resolution as encouraging WTO members to consider the manner in which they implemented the TRIPS Agreement. It did not suggest that Member States should make substantive interpretations of the TRIPS Agreement, nor did it instruct WTO members on how to implement the Agreement. There was nothing in the Agreement that prevented States from pursuing the objectives of the right to food and food security. Canada continued to support the progressive realization of the right to adequate food as a component of the right of everyone to an adequate standard of living.

Draft resolution A/C.3/71/L.32/Rev.1: The right to development

59. **The Chair** said that the draft resolution had no programme budget implications.

60. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution on behalf of the States Members of the United Nations that were members of the Movement of Non-Aligned Countries, said that the draft resolution highlighted the need to respect and promote the right to development in accordance with the United Nations Declaration on the right to development.

61. **Mr. Khane** (Secretary of the Committee) said that El Salvador had joined the sponsors.

Statements made in explanation of vote before the voting

62. **Ms. Brooke** (United States of America) said that, in its commitment to alleviating poverty, her country collaborated with developing countries, other donor countries, non-governmental organizations and the private sector to achieve sustainable economic growth, poverty reduction and the full range of development objectives named in the Sustainable Development

Goals. There was a strong link between human rights and development work. However, the United States had long-standing concerns about the concept of a right to development. There was no commonly agreed definition of such a right and any definition must be consistent with human rights. Furthermore, the right to development had been framed by some delegations in ways that would seek to protect States rather than individuals. States were responsible for implementing the human rights obligations they had assumed, regardless of external factors such as the availability of development and other assistance. Accordingly, and because of other concerns related to specific provisions in the text, the United States would vote against the draft resolution.

63. **Mr. Holtz** (United Kingdom of Great Britain and Northern Ireland) said that all human rights were indivisible and interdependent. The right to development could not be realized without full respect for civil, political, economic, social and cultural rights — in addition to credible development policies and good governance. The primary responsibility for realizing the right to development lay with States, which should be accountable to their citizens.

64. The meaning of "the right to development" remained contested, with differences on such fundamental issues as the role of indicators, the content of the right to development and suitable instruments for realization. His delegation did not believe that a binding international legal standard was appropriate. The agenda of the Human Rights Council was already overloaded; an increased focus on the right to development, and in particular the appointment of a Special Rapporteur, would divert resources away from more critical human rights concerns. Accordingly, although the United Kingdom supported the right to development, his delegation would vote against the draft resolution.

65. **Mr. Müller** (Switzerland) said that the right to development brought together human rights and sustainable development issues. The draft resolution thus constituted an additional tool for promoting civil and political, as well as economic, social and cultural rights. However, the right to development was the purview of the Intergovernmental Working Group of Experts on the Right to Development: it was not for the Human Rights Council to decide to create a Special Rapporteur position. It was crucial to surmount the obstacles and for the opposing sides to work together to reach consensus on the remaining issues regarding the right to development. The creation of a Special Rapporteur would only complicate that process. Furthermore, the draft resolution contained various factual inaccuracies. For those reasons, his delegation would abstain from voting.

66. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/71/L.32/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia (Islamic Republic of the), Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela Bolivarian Republic of, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Japan, Latvia,

Lithuania, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine.

67. *Draft resolution A/C.3/71/L.32/Rev.1 was adopted by 138 votes to 3, with 39 abstentions.*

68. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union, said that while the European Union supported the right to development, it was not in favour of a binding international legal standard. There were divergent views on the right to development and a common position had yet to be reached. Fundamental differences remained on such issues as the role of indicators, the content of the right to development, the implications of such a right, and appropriate instruments to realize it. General Assembly resolutions should reflect the 2030 Agenda for Sustainable Development, which recognized the need to build peaceful, just and inclusive societies based on respect for all human rights, including the right to development.

69. **Mr. de la Mora Salcedo** (Mexico) said that while his delegation had voted in favour of the draft resolution, it did not support the development of a binding instrument at the current time, as such a step would be premature and create divisions. Instead, the focus should be on finalizing the criteria and standards. In order to attract support for the right to development, cooperation and open dialogue would be needed, with a view to ensuring the active involvement of all.

70. In the past, the Working Group on the Right to Development had been supported by a high-level task force on the implementation of the right to development made up of experts charged with developing the criteria and subcriteria. In that connection, his delegation was pleased that the draft resolution included a reference to the Special Rapporteur on the right to development, whose mandate should add value to the activities of the Working Group and, he hoped, improve understanding of the right to development at the international level, with a view to reaching consensus on the issue.

71. **Ms. Kwan** (Canada) said that her delegation supported the right to development, which was the primary responsibility of States. Her Government had supported the Declaration on the Right to Development and engaged actively with the Working Group on the Right to Development. However, Canada had serious concerns about the creation of a legally binding instrument on the right to development. The international community should focus on developing and sharing best practices and strengthening existing initiatives to create favourable conditions for individuals to realize their full development potential, rather than seeking to create new legal obligations. For that reason, Canada had abstained from voting on the draft resolution.

72. **Mr. Haque** (Bangladesh) said that the Declaration on the Right to Development had broken new ground in the struggle for human dignity, freedom, equality and justice. Thirty years on from its adoption, the Declaration was more relevant than ever, particularly in the face of unequal and inequitable global governance in the areas of trade, investment and finance. There was a symbiotic relationship between the Declaration and the Sustainable Development Goals, which were mutually supportive and reinforcing. The adoption of the 2030 Agenda for Sustainable Development was a unique opportunity for the international community to renew its resolve to implement the Declaration and make the right to development a reality for all.

73. **Ms. Nescher** (Liechtenstein), speaking also on behalf of Australia, Iceland, New Zealand and Switzerland, said that although the right to development was extremely contentious, the Declaration on the Right to Development shared a number of commonalities with the 2030 Agenda for Sustainable Development. Discussions on the right to development had occasionally obscured the true meaning of the right to development, which was the inalienable right of every individual to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms could be fully realized.

74. The 2030 Agenda for Sustainable Development was an opportunity to explore the relationship between the protection and promotion of human rights and the achievement of sustainable development; the right to development should feature in the discussion. The anniversary of the Declaration in December 2016 was a chance for the international community to look at the right to development for what it really was: sustainable development and the realization of all human rights and fundamental freedoms for all.

Draft resolution A/C.3/71/L.33/Rev.1: Human rights and unilateral coercive measures

75. **The Chair** said that the draft resolution had no programme budget implications.

76. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution on behalf of the Movement of Non-Aligned

Countries, said that the Movement of Non-Aligned Countries was opposed to the use of unilateral coercive measures, including as tools of economic and political repression, in particular against developing countries. Such measures violated international law and the Charter of the United Nations and impeded social and economic development and the full enjoyment of human rights.

77. **Ms. Brooke** (United States of America), speaking in explanation of vote before the voting, said that her delegation would be voting against the draft resolution. The draft resolution had no basis in international law and did not serve the cause of advancing human rights. It was the responsibility of States to protect and promote the human rights and fundamental freedoms of their citizens. The text of the draft resolution was a direct challenge to the sovereign right of States to conduct economic relations freely and to protect their legitimate national interests, including taking action in response to national security concerns. The draft resolution was also an attempt to undermine the international community's ability to respond to acts that were offensive to international norms. Unilateral and multilateral sanctions were a legitimate means to achieve foreign policy, security and other national and international objectives, and the United States was not alone in that view or practice.

78. *At the request of the representative of Slovakia, a recorded vote was taken on draft resolution A/C.3/71/L.33/Rev.1.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

79. *Draft resolution A/C.3/71/L.33/Rev.1 was adopted by 128 votes to 54.*

Draft resolution A/C.3/71/L.37: Globalization and its impact on the full enjoyment of all human rights

80. **The Chair** said that the draft resolution had no programme budget implications.

81. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Antigua and Barbuda, Bahrain, Bangladesh, Belarus, Belize, Benin, Bolivia, Burkina Faso, Burundi, Cabo Verde, Cameroon, the Central African Republic, Chad, the Comoros, Côte d'Ivoire, Cuba, the Democratic Republic of the Congo, Djibouti, the Dominican Republic, Ecuador, El Salvador, Ethiopia, the Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Morocco, Namibia, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, South Africa, the Sudan, Swaziland, Tunisia, Uganda, the United Arab

Emirates, the United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen and Zimbabwe had become sponsors of the draft resolution.

82. **Mr. Kollár** (Slovakia), speaking on behalf of the European Union in explanation of vote before the voting, said that globalization should be considered in a much more comprehensive manner. Although globalization had implications for the full enjoyment of human rights, certain human rights and fundamental freedoms could not be perceived as being directly affected by globalization. The impact of globalization on human rights should be assessed thoroughly, on a case-by-case basis, and in a more balanced manner. The draft resolution concentrated almost exclusively on the negative aspects of globalization, yet globalization could offer the means to tackle the most acute problems facing the international community, such as extreme poverty and hunger. The Guiding Principles on Business and Human Rights were the best means of promoting corporate responsibility to respect human rights. For those reasons, the European Union and its member States were unable to support the draft resolution.

83. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/71/L.37.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Greece, Lesotho.

84. *Draft resolution A/C.3/71/L.37 was adopted by 128 votes to 53, with 2 abstentions.*

85. **Mr. de la Mora Salcedo** (Mexico) said that while his delegation had voted in favour of the draft resolution, it regretted that the draft resolution included a reference to Human Rights Council resolution 26/9 on the elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights. Before developing a legally binding instrument, the priority should be implementing the Guiding Principles on Business and Human Rights, with a view to building the necessary institutional capacity at the national level. Draft resolutions should be the fruit of a constructive and transparent dialogue and negotiation process, involving all delegations, which would favour multilateral understanding.

Draft resolution A/C.3/71/L.39/Rev.1: The right to privacy in the digital age

86. **The Chair** said that the draft resolution had no programme budget implications.

87. **Mr. Vieira** (Brazil), introducing the draft resolution on behalf of Germany and his own

delegation, said that the sponsors wished to make an oral revision to the twenty-eighth preambular paragraph, which would read: "Recalling that business enterprises have a responsibility to respect human rights, applicable laws, international principles and standards,".

88. The draft resolution was a follow-up to the resolutions of 2013 and 2014, through which Germany and Brazil had inaugurated a much-needed debate at the United Nations on upholding the right to privacy in the digital age. There had been many developments since the adoption of General Assembly resolution 69/166 on the right to privacy in the digital age, including the establishment of a special procedure and the appointment of the Special Rapporteur, who had presented his first report in 2016.

89. The draft resolution called on States to develop or maintain and implement adequate legislation, with effective sanctions and remedies, to protect individuals against violations and abuses of the right to privacy, and included several new elements on the role of business enterprises, emphasizing their responsibility to inform users about the collection, use, sharing and retention of their data and to establish transparency policies.

90. **Mr. Thoms** (Germany) said that the right to privacy faced increasing challenges in the digital age. There was a need to protect human rights online and to develop remedies for violations. When Brazil and Germany had first presented a draft resolution on the right to privacy in the digital age, in 2013, it had broken new ground. Since then, much progress had been made. The current task was to broaden consensus on the various aspects of the right to privacy.

91. It was now undisputed that the same rights that people had offline must also be protected online, including the right to privacy. General Assembly resolution 69/166 on the right to privacy in the digital age had managed to reflect the need to protect human rights while also taking into account the legitimate security interests of States. The draft resolution built on the agreed language of that resolution, but sought to strengthen the prevention and protection aspects by calling on States to develop preventive measures, sanctions and remedies. It highlighted the importance of transparency and the particular effect of violations and abuses of the right to privacy on women and children. The draft resolution also called on business enterprises to respect human rights, including the right to privacy. As a practical step, the draft resolution encouraged the Human Rights Council to consider holding an expert workshop on the matter.

92. **Mr. Khane** (Secretary of the Committee) said that Angola, Belize, Bolivia (Plurinational State of), Ecuador, Eritrea, Georgia, Ghana, Guatemala, Guinea, Italy, Lesotho, Lithuania, Malaysia, Morocco, Norway, Republic of Moldova, Romania, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Timor-Leste, Turkey, Ukraine and Venezuela (Bolivarian Republic of) had become sponsors of the draft resolution.

93. **Ms. Matlhako** (South Africa), speaking in explanation of position, said that her delegation had engaged consistently and faithfully in the negotiations on the draft resolution. It believed in the right to privacy, which was protected under the country's Bill of Rights. The Government had enacted legislation to protect individuals from violations by both private and public authorities.

94. However, South Africa was disappointed that the initial focus of the draft resolution had shifted dramatically, as illustrated by the unbalanced nature of the text. Moreover, the disregard for the ongoing work of the Human Rights Council open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, whose mandate was to elaborate an international legally binding instrument to regulate the activities of transnational corporations and other business enterprises, was puzzling. Noting that the phenomenon of globalization had generally had a negative impact on the economies of developing countries, she said that the vulnerabilities of such economies were sometimes exploited by unscrupulous transnational corporations and other business enterprises. For those reasons, her delegation was unable to join consensus on the draft resolution and wished to disassociate itself from the text.

95. **Mr. Amorós Núñez** (Cuba), speaking in explanation of position, said that while his delegation supported the draft resolution, Cuba had concerns about the ninth preambular paragraph and paragraph 5 (g). His delegation agreed that violations and abuses of the right to privacy could have a particular effect on women, children and vulnerable or marginalized people; however, other groups of individuals were also at risk. International political figures had been the targets of extraterritorial surveillance, yet that group was not mentioned in the aforesaid paragraphs. His delegation's interpretation of the draft resolution, based on the assurances given by the facilitators, was that no group was excluded from the stipulations of the two paragraphs. Noting that his delegation had hoped that the draft resolution would retain its original balance, he said that Cuba reserved the right to raise the issue again in the future to avoid any attempt to

exclude political figures from the scope of the draft resolution.

96. *Draft resolution A/C.3/71/L.39/Rev.1 was adopted.*

97. **Ms. Khusanova** (Russian Federation) said that her delegation did not support the decision of the main sponsors to shift the emphasis of the draft resolution towards regulating the operations of private businesses with regard to personal data. It was also worrying that the draft resolution contained no reference to ensuring the right to privacy of marginalized or vulnerable individuals. States must protect the rights of all individuals equally, regardless of their social status or affiliation to a particular group.

98. **Ms. Amadeo** (United States of America) said that data flows and the use of data analytics offered considerable benefits for economies and societies, provided that high standards of online data protection and safeguards against the discriminatory use of such data were applied. The references in the draft resolution to "free, explicit and informed consent" did not take into account other appropriate consent mechanisms, such as opt-outs, situations where appropriate policy or inferences from consumers' behaviour reduced the need for consent, or legitimate business models that conditioned the provision of goods or services upon consent. With regard to the references in the draft resolution to the responsibility of business enterprises, her delegation understood such responsibility to be as set out in the Guiding Principles on Business and Human Rights.

99. The United States wished to reaffirm the explanation of position provided when it had joined consensus on the draft resolution in 2014. Her delegation understood the draft resolution to be consistent with the country's longstanding views regarding the International Covenant on Civil and Political Rights, including articles 2, 17, and 19, and interpreted it accordingly. With regard to article 17, her delegation's position was that an interference with privacy was permissible if it was lawful and not arbitrary; her delegation welcomed the reference in the draft resolution to that key concept. An interference with privacy must be reasonable given the circumstances. Article 17 did not impose a standard of necessity and proportionality. Her delegation hoped that further work on the topic would touch on other areas relating to privacy rights, beyond the digital environment.

100. **Mr. Naqi** (Canada) said that, pursuant to article 17 of the International Covenant on Civil and Political Rights, unlawful or arbitrary surveillance amounted to a violation of individuals' right to privacy. To tackle the unique challenges of the digital age, the international community should broaden its consideration of privacy issues and overcome the impulse to focus solely on surveillance. There was a need to study the interlinkages between privacy in general and other rights, rather than just surveillance and other rights. The special responsibilities of industry should also be examined, not just government activities.

101. His delegation regretted the continued preoccupation with surveillance undertaken on "a mass scale". That distinction was a dangerous distraction from the real issue, which was that all unlawful and arbitrary surveillance, regardless of scale, was a violation of the obligation of States to respect the right to privacy. When Governments used surveillance to crack down on political activists, religious minorities and human rights defenders, and then harassed, detained, tortured or even killed those targeted, it was not an issue of scale, but a deplorable practice that deserved attention and warranted the condemnation of the international community.

102. Addressing the impact of the digital age on privacy would require the ongoing, concerted engagement and collective expertise of all stakeholders. Canada would participate actively in future discussions on the promotion and protection of human rights online, specifically freedoms of expression, peaceful assembly and association. His delegation trusted that all States would continue to strive for further consensus, in recognition of the need for societies to protect civil liberties while providing safety and security.

The meeting rose at 6.10 p.m.